

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 4:14CR314
)	
Plaintiff/Respondent,)	JUDGE DONALD C. NUGENT
)	
v.)	
)	
SHAHA JALAL,)	
)	<u>MEMORANDUM OPINION AND ORDER</u>
Defendant/Petitioner.)	

This matter is before the Court upon a Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255, filed by Petitioner, Shaha Jalal (hereafter "Mr. Jalal") on December 15, 2017. (ECF #61). Respondent, the United States of America, timely filed a Motion to Dismiss Mr. Jalal's Motion to Vacate. (ECF #63). For the reasons set forth herein, the United States of America's Motion to Dismiss (ECF #63) is GRANTED.

On February 23, 2015, Mr. Jalal plead guilty to an indictment for conspiracy to commit fraud in connection with access devices. (ECF #19). On June 10, 2015, this Court sentenced Mr. Jalal to two years of probation. (ECF #47). Mr. Jalal did not appeal this sentence.

Under 28 U.S.C. § 2255(f), a one-year period of limitations applies to any post-conviction motion to vacate. The period runs from the time a judgment becomes final. 28 U.S.C. § 2255(f)(1). When a federal criminal defendant does not appeal their conviction to the court of appeals, the judgment becomes final upon the expiration of the period in which the defendant could have appealed. *Sanchez-Castellano v. United States*, 358 F.3d 424, 426-27 (6th Cir. 2004).

In this matter, Mr. Jalal's conviction became final on July 2, 2015, 14 days after the Court docketed his sentence. Fed. R. App. P. 4(b)(1)(A). Therefore, any post-conviction motion must have been filed by July 2, 2016 to meet the statute of limitations set forth in 28 U.S.C. § 2255. Mr. Jalal's Motion to Vacate was not filed until 18 months later, on December 15, 2017. Therefore, Mr. Jalal's Motion is untimely, and must be dismissed.

For these reasons, the United States of America's Motion to Dismiss Petitioner's Motion to Vacate, Set Aside, or Correct Sentence, ECF #63, is GRANTED.

IT IS SO ORDERED.


DONALD C. NUGENT
United States District Judge

DATED: January 16, 2018